

**ONEIDA COUNTY PLANNING & ZONING**  
**July 5, 2006 - 2:30 P.M. –PUBLIC HEARING - COMMITTEE ROOM #2**  
**ONEIDA COUNTY COURTHOUSE**  
**RHINELANDER, WI 5450**

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Members present: Chairman Bob Metropulos  
Larry Greschner  
Ted Cushing – excused absence  
Frank Greb  
Scott Holewinski

Department staff present: Karl Jennrich, Zoning Director  
Kurt Bloss, Land Use Specialist  
Steve Osterman, Planning Manager  
Mary Bartelt, Typist III

Other Department staff  
Present:

See Attached Guest List:

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Call To Order:

Chairman Metropulos called the meeting to order at 2:35 p.m., in Committee Room #2, Oneida County Courthouse, Rhineland, WI 54501 in accordance with the Wisconsin Open Meeting Law.

Discussion/decision to approve the agenda

**MOTION (Larry Greschner/Frank Greb) to approve the July 5, 2006 Public Hearing agenda. 4 ayes, 1 absent. Motion carried.**

**Conditional Use Permit Application** of Curran Family Limited Partnership, owners, Wojcieh Mroczek & Zbigniew Rogala, agents, to establish a used car dealership with internet sales in existing building on property located at 7342 Giles Rd and being further described as Lot 5, Whispering Pines, located in the SE SW, Section 34, T39N, R6E, in the Town of Minocqua, PIN# MI 5508.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhineland Daily News, published on June 20, 2006 and June 27, 2006 and The Lakeland Times the week of June 27, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on June 16, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

No letter was received back from the Town of Minocqua, but Ms. Wilson talked to Chairman Handrick and it is scheduled to be on their Town Board agenda for Thursday, July 6, 2006.

Nadine Wilson, Land Use Specialist, read the General information into the record.

Applicants are proposing to establish a used car dealership with a few motorcycles on an as needed basis. Vehicles will be offered through local market and also an online store on Ebay. Major repairs will not be done on site. Oil changes and other fluids will be done at a local garage. Minor repairs will be done on site. The applicants have applied for a dealership license from the state and are in the process of obtaining that. Both applicants are in the United States on Visa and have been pre-approved and are from Poland. Both applicants and one part time person will be working the used car dealership. There is a sanitary facility inside the existing building. Dumpsters and garbage bins will be screened and will be at the rear of the building. There will be outside storage for 12 vehicles. Hours of operation will be 8:00 a.m. to 6:00 p.m.

The General Standards were sent out to the P & Z Committee along with the review and if the Committee finds that the standards have been met and recommends approval, Staff would suggest the following conditions be placed on the CUP:

1. Nature and extent of the CUP not changed from that described herein.
2. Hazardous materials, chemicals shall be used, stored or disposed of in accordance with state and federal regulations
3. Storage of inoperative or salvage vehicles not permitted
4. Vehicles for display to be kept in display area as designated in CUP application.
5. Outdoor lighting to be directed downward and shielded from above and care should be taken to prevent light pollution.
6. State and local licensing to be obtained prior to operation
7. Signage in accordance with the ordinance
8. Town of Minocqua concerns
  - a. Dumpster being screened in
  - b. No parking on the right-of-way of Giles and/or Sylvan Shores Road

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Chair Metropulos asked a second time if anyone wished to speak for or against the Conditional Use Permit Application.

**2:43 P.M.** The public hearing was closed from any further public comment.

**MOTION: (Scott Holewinski/Frank Greb) to approve the Conditional Use Permit Application for Curran Family Limited Partnership, Item # 3 on today's agenda, with staff concerns and also that the General Standards of approval of the CUP have been met. 4yes, 1 absent. Motion carried.**

**Conditional Use Permit Application** of Brian Thompson for a landscaping office, shop and garden and supply center on property located on Hwy 51, lot North of Sears property, and being further described as the NE SW & NW SE, Section 34, T39N, R6E, in the Town of Minocqua, PIN# MI 2502-4.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on June 20, 2006 and June 27, 2006 and the Lakeland Times the week of June 27, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on June 16, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. Letter received by the Town Board of Minocqua and the Minocqua Planning Commission recommending approval contingent upon the following conditions:
  - a. existing home to remain as a rental unit
  - b. no dumping of waste materials
  - c. no out side storage of equipment
  - d. ingress and egress for snowmobile trail to be allowed

Kurt Bloss, read the General Information into the record. (EXHIBIT # 1)

The General Standards were sent out to the P & Z Committee along with the review and if the Committee finds that the standards have been met and recommends approval, Staff would suggest the following conditions be placed on the CUP:

1. Nature and extent of the CUP not changed from that described in the application and approved in the Conditional Use Permit.
2. Town of Minocqua conditions/concerns.
3. Proper permits to be obtained (Town, County and State) prior to construction as required.
4. Sign permits to be obtained prior to placement as required.
5. Release septic easements for adjacent property to north (formerly Solem's supper club) since septic systems have been abandoned and a new system was installed on-site for multi-tenant building.
6. Exterior lighting to be shielded and/or directed downward
7. No accumulation of demo materials such as stumps, brush or any construction debris to be kept on site.
8. Dumpster's to be screened from view if utilized.

Scott Holewinski, "What about the Town's concerns."

Mr. Bloss, "We will adjust one of the town's conditions and allow on occasional parking of a front end loader as was discussed at the Town of Minocqua Planning Commission level." "This would be subject to the actual minutes of the Town of Minocqua Planning Commission."

Mr. Greschner asking Mr. Bloss, "What do you define as "occasional" so we don't get ourselves into a bind?" "At what point does it go beyond "occasional"?"

Mr. Bloss, "From the standpoint the applicant did not expect it to be there every day, so occasional is a word we used to say that it would not be kept there everyday."

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Chair Metropulos asked a second time if anyone wished to speak for or against the Conditional Use Permit Application.

**2:51 P.M.** The public hearing was closed from any further public comment.

**MOTION: (Frank Greb/Larry Greschner) to approve Conditional Use Permit Application for Brian Thompson, Item #4 on today's agenda, with staff concerns and Town of Minocqua concerns and that the General Standards of Approval have been met. 4 ayes, 1 absent. Motion carried.**

**Conditional Use Permit Application** for Janet Bowen for Holistic Health & Wellness Center on property located at Cedar & 4<sup>th</sup> Street in the former Catholic Church building, and being further described as the SE SE, Section 2, T39N, R6E, in the Town of Woodruff, PIN# WR 19-6.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on June 20, 2006 and June 27, 2006 and the Lakeland Times the week of June 27, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on June 16, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. Letter from the Town of Woodruff from Mr. Larry Greschner dated June 15, 2006 approving Janet Bowen CUP application.

Kurt Bloss, Land Use Specialist, read the General Information into the record. (EXHIBIT #2)

The General Standards were sent out to the P & Z Committee along with the review and if the Committee finds that the standards have been met and recommends approval, Staff would suggest the following conditions be placed on the CUP:

1. The nature and extent of the conditional use shall not change from that Described in the application and approved in the Conditional Use Permit.
2. Town of Woodruff conditions/concerns.
3. Sign permits to be obtained prior to placement as required.
4. Health care providers responsible for obtaining and maintaining any necessary licensing credentialing requirements.
5. No outdoor storage of medical waste.

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Chair Metropulos asked a second time if anyone wished to speak for or against the Conditional Use Permit Application.

**2:57 P.M.** The public hearing was closed from any further public comment.

**MOTION: (Larry Greschner/Frank Greb) to approve the Conditional Use Permit application for Janet Bowen, Holistic Health & Wellness Center, Item #5 on today's agenda with staff and Town of Woodruff conditions and concerns and that the General Standards for approval have been met. 4 ayes, 1 absent. Motion carried.**

**Conditional Use Permit Application** for Janet Guski for horse carriage rides based from property located at the former Catholic Church and being further described as part of Lot 3, Block 8, Village of Minocqua, Section 14, T39N, R6E, in the Town of Minocqua, PIN# MI 3330.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on June 20, 2006 and June 27, 2006 and the Lakeland Times the week of June 27, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on June 16, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. Letter from the Town of Minocqua Planning Commission recommending approval of the CUP contingent upon any route changes to be brought before the Town Board and a copy of a letter from the church giving permission to Guski to use the property. NOTE: There is a letter in the file from the former Catholic Church property granting permission to use the property.

Kurt Bloss, Land Use Specialist, read the General Information into the record. (EXHIBIT #3)

The General Standards were sent out to the P & Z Committee along with the review and if the Committee finds that the standards have been met and recommends approval, Staff would suggest the following conditions be placed on the CUP:

1. The nature and extent of the conditional use shall not change from that Described in the application and approved in the Conditional Use Permit.
2. Town of Minocqua conditions/concerns.
3. Any changes in approved designated route to be authorized and approved by the Town of Minocqua.
4. Sign permits to be obtained prior to placement as required.
5. All horses, equipment and animal waste to be removed from site at the end of each business day.
6. Subject to any DOT rules/regulations and restrictions.

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Chair Metropulos asked a second time if anyone wished to speak for or against the Conditional Use Permit Application.

**3:05 P.M.** The public hearing was closed from any further public comment.

**MOTION: (Scott Holewinski/Frank Greb) to approve the conditional use permit application for Janet Guski, Item #6 on today's agenda, with staff concerns and that the General Standards of approval have been met. 4 ayes, 1 absent. Motion carried.**

**Ordinance Amendment #08-2006** authored by the Planning & Zoning Committee to amend Section 9.55 Adult Oriented Business in the Oneida County Zoning & Shoreland Protection Ordinance as follows:

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on June 20, 2006 and June 27, 2006, Tomahawk Leader, Vilas County News and the Lakeland Times the week of June 27, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on June 16, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

**9.55 ADULT ORIENTED BUSINESS ORDINANCE (Effective 2/26/06)**

**Subsection A to remain unchanged.**

**B. DEFINITIONS**

1. ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas."
2. ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are distinguished or characterized by their emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas."

- This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an "R" rating by the Motion Picture Association of America.
3. ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- (a) \_\_\_\_\_ persons who appear in a state of nudity or semi-nude; or
  - (b) live performances which are distinguished or characterized by their emphasis on the exposure of "specified anatomical areas" or by "specified sexual activities"; or
  - (c) films, motion pictures, video cassettes, slides or other photographic reproductions, which are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas." This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an "R" rating by the Motion Picture Association of America.
4. ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas." This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an "R" rating by the Motion Picture Association of America.
5. ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by their emphasis on the exposure of "specified anatomical areas" or by "specified sexual activities."
6. DIRECTLY means to require physical contact. For instance, when this ordinance prohibits an employee to receive a gratuity "directly" from a patron, it prohibits the direct touching of skin or other body parts or clothing.
- ~~6-7.~~ DISTINGUISHED or CHARACTERIZED BY means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of "specified sexual activities" or "specified anatomical areas".
- ~~7.8.~~ EMPLOYEE means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- ~~8.~~ 9.ESCORT means a person who, for consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- ~~9.10.~~ ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- ~~10.11.~~ ESTABLISHMENT means and includes any of the following:

- (a) the opening or commencement of any sexually oriented business as a new business;
- (b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (c) the additions of any sexually oriented business to any other existing sexually oriented business; or
- (d) the relocation of any sexually oriented business.
- (e) The expansion or combination of expansion of a sexually oriented business, whether the business is permitted under this ordinance section or a legal pre-existing use, that is equal to or more than 100% of its existing floor space on February 26, 2006 or as stated in the Sexually Oriented Business permit application.

14.12.NUDITY or a STATE OF NUDITY means the showing of the human male or female genitals, pubic area, vulva, or anus, with less than a complete opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the areola, or the showing of the covered male genitals in a discernibly turgid state.

12. 13. PERMITTEE means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.

13.14.PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.

14.15.REGULARLY FEATURES or REGULARLY SHOWS means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the sexually oriented business.

15.16.SEMI-NUDE or in a SEMI-NUDE CONDITION means the showing of the human male or female genitals, pubic area, vulva, or anus, with not more than a complete opaque covering, or the showing of the female breast with not more than a complete opaque covering of the nipple or areola.

16.17.SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, ~~adult motel~~, adult motion picture theater, adult theater, or escort agency.

17.18.SPECIFIED ANATOMICAL AREAS means:

- (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (b) less than completely and opaquely covered human genitals, pubic region, vulva, anus or the nipple and areola of the human female breast.

18.19.SPECIFIED SEXUAL ACTIVITIES means any of the following:

- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- (c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

19.20.TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business permit means and includes any of the following:

- (a) the sale, lease, or sublease of the business;
- (b) the transfer of securities which constitute a controlling interest in the



- business, whether by sale, exchange, or similar means; or
- (c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**Subsection C to remain unchanged.**

**D. PERMIT REQUIRED – SEXUALLY ORIENTED BUSINESS PERMIT REQUIRED (SO BP)**

1. A permit, under this ordinance section, shall be required for the establishment of a sexually oriented business and it shall be a violation of this ordinance section for any person to operate a sexually oriented business without a valid sexually oriented business permit issued by the County under this ordinance section and each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
2. Any sexually oriented business lawfully operating before February 26, 2006 shall be deemed a legal pre-existing use and not subject to the ~~permit~~ requirements of this ordinance section 9.55 as long as the ~~legal pre-existing use conforms to the requirements of section 9.50 of the Oneida County Zoning & Shoreland Protection Ordinance and that the~~ establishment of a new sexually oriented business does not occur on the premises or within the structure of that legal pre-existing use.
3. An application for a permit must be made on a form provided by the County.
4. All applicants must be qualified according to the provisions of this ordinance. The application may request and the applicant shall provide such information as to enable the County to determine whether the applicant meets the qualifications established in this ordinance.
5. A person who wishes to operate a sexually oriented business must sign the application for a permit as an applicant. If a person other than an individual wishes to operate a sexually oriented business, all persons legally responsible for the operations of the sexually oriented business or who have power to control or direct its operations must sign the application for a permit as applicant. Such persons include, but are not limited to, general partners, corporate officers, corporate directors, and controlling shareholder(s). Each application must be qualified under the following section and each applicant shall be considered a permittee if a permit is granted.
6. The completed application for a sexually oriented business permit shall contain the following information and shall be accompanied by the following documents:
  - a. If the applicant is:
    - (1) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age or older;
    - (2) a corporation, the corporation shall state its complete name, the date and state of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and controlling stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
    - (3) a partnership, joint venture, limited liability entity, or other type of business organization where two (2) or more persons have a financial interest, the entity shall state its complete name, the type of entity, and the names of persons having a financial interest in the entity.

- b. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state 1) the sexually oriented business's fictitious name and 2) submit the required registration documents.
- c. The single classification of permit for which the applicant is filing.
- d. The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.
- e. The applicant's mailing address or registered agent's mailing address.
- f. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- g. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 500 feet of the property to be certified; the property lines of any established religious institution/synagogue or school within 500 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- h. If an applicant wishes to operate a sexually oriented business, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section N.

#### E. ISSUANCE OF PERMIT

- 1. A permit granted pursuant to this section shall be subject to bi-annual renewal upon the written application of the applicant, using the standard adult business permit application provided by the Planning and Zoning Department and a finding by the County that the applicant has not committed any act during the existence of the previous permit, which would be grounds to deny the initial permit application. The renewal of the permit shall be subject to the payment of the fee as set forth in Section F, and follow the timeline set forth in subsection (2) below.
- 2. Within 30 days after receipt of a completed sexually oriented business application, the Planning and Zoning Department ~~or Administrator~~ shall approve or deny the issuance of a permit to an applicant. The County shall approve the issuance of a permit to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
  - a. An applicant is under eighteen (18) years of age.
  - b. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
  - c. The premises to be used for the sexually oriented business have ~~not~~ been found by the health department, fire department, Planning and Zoning Department or appropriate building official as being non-compliant with applicable laws and ordinances.
  - d. The permit fee required by this ordinance has not been paid.

- e. The applicant will permit or cause the use or consumption of alcoholic beverage on the premises.
  - f. An applicant of the proposed establishment is otherwise in violation of, or is not in compliance with any of the provisions of this ordinance.
  3. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the permit is issued pursuant to Section C. All permits shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
  4. The health department, fire department, Planning and Zoning Department or appropriate building official shall complete their certification that the premises is in compliance or not in compliance with applicable laws and ordinances within twenty (20) days of receipt of the completed application by the County. If within 20 days no report is received by the Planning and Zoning Department indicating that the premises are not in compliance with the applicable laws and ordinances as determined by the Health Department, Fire Department, Planning and Zoning Department or other building officials, then the premises will be deemed to be in compliance for purposes of the issuance of a permit under this ordinance section.
  5. A sexually oriented business permit shall issue for only one classification as found in Section C.
  6. If any application is denied, the Planning and Zoning administrator shall, within ~~45~~ 30 days of the County's receipt of the completed application, issue to the applicant written notification as to why the permit was denied.
- F. FEES.
1. Every application for a new sexually oriented business permit (~~whether for a new permit or for renewal of an existing permit~~) shall be accompanied by a \$250.00 non-refundable fee.
  2. In addition to the application and investigation fee required above, every sexually oriented business that is granted a renewal permit (~~new or renewal~~) shall pay to the County a bi-annual non-refundable permit renewal fee of ~~\$250.00~~ \$75.00 within thirty (30) days of permit issuance or renewal.
  3. All permit applications and fees shall be submitted to the Planning and Zoning Department of Oneida County.

**Subsection G & H to remain unchanged.**

I. SUSPENSION.

1. The County shall suspend a permit for a period not to exceed thirty (30) days if it determines that a permittee or an employee of a permittee has:
  - a. violated or is not in compliance with any section of this ordinance; or
  - b. refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.
  - ~~c. If any permit is suspended the Planning & Zoning Administrator shall within 15 days, issue to the permit holder written notification of why the permit was suspended.~~
2. When notice has been given to the Planning and Zoning Department that possible grounds for suspension of a permit issued under this ordinance section have arisen, the Planning and Zoning Director shall place on the next Planning and Zoning Committee agenda a hearing regarding those allegations that could lead to suspension of that sexually oriented business permit. The Planning and Zoning Director shall within one day of receiving notification of such possible grounds for suspension send a notice by certified mail of intent to suspend the permit along

with the date and time of the hearing on that permit suspension, notice of the alleged violation and the ramifications of the permit suspension, to the holder of the sexually oriented business permit at the address provided on the sexually oriented business permit application . The Planning and Zoning Department shall present the Planning and Zoning Committee with the reasons for suspending the sexually oriented business permit in question, the permittee shall have the opportunity to be heard and rebut the allegations of the violation of this Ordinance that may give rise to the suspension of the permit and the Planning and Zoning Committee will decide if a violation has occurred and if suspension of the permit is warranted. Any appeals of the Planning and Zoning Committee's decision on the suspension of the permit shall be handled under the appeal procedures of Section K of this Ordinance.

J. REVOCATION.

1. The County shall revoke a permit if a cause of suspension in Section I occurs and the permit has been suspended within the preceding twelve (12) months.
2. The County shall revoke a permit if it determines that:
  - a. a permittee gave false or misleading information in the material submitted during the application process or omits material facts;
  - b. a permittee has knowingly allowed possession, use, or sale of controlled substances on the premises;
  - c. a permittee has knowingly allowed prostitution on the premises;
  - d. a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
  - e. a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the permitted premises; or
  - f. a permittee is delinquent in payment to the Town, County, or State for any fees past due required under this ordinance.
  - g. The permittee, operator or any employee of the permittee, violates any provisions of this ordinance or any rules or regulation adopted by the Board pursuant to this ordinance; provided, however, that in the case of a first offense by a licensee where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days, if the Planning and Zoning Committee shall find that the licensee had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
  - h. The permittee has become ineligible to obtain a permit.
  - i. The permittee has caused or permitted the sale, use or consumption of alcoholic beverages on the premises.
3. When the County revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date the revocation became effective. If, subsequent to revocation, the County finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.
4. If any permit is revoked, the Planning and Zoning administrator shall, within 15 days, issue to the permit holder written notification of why the permit was revoked.
  - a. When notice has been given to the Planning and Zoning Department that possible grounds for revocation of a permit issued under this ordinance

section have arisen, the Planning and Zoning Director shall place on the next Planning and Zoning Committee agenda a hearing regarding those allegations that could lead to revocation of that sexually oriented business permit. The Planning and Zoning Director shall within one day of receiving notification of such possible grounds for revocation send a notice by certified mail of intent to revoke the permit along with the date and time of the hearing on that permit revocation, notice of the alleged violation and the ramifications of the permit revocation, to the holder of the sexually oriented business permit at the address provided on the sexually oriented business permit application. The Planning and Zoning Department shall present the Planning and Zoning Committee with the reasons for revoking the sexually oriented business permit in question, the permittee shall have the opportunity to be heard and rebut the allegations of the violation of this Ordinance that may give rise to the revocation of the permit and the Planning and Zoning Committee will decide if a violation has occurred and if revocation of the permit is warranted. Any appeals of the Planning and Zoning Committee's decision on the revocation of the permit shall be handled under the appeal procedures of Section K of this Ordinance.

**Subsection K & L to remain unchanged.**

**M. LOCATION OF SEXUALLY ORIENTED BUSINESSES.**

1. A person commits a violation of this ordinance if that person operates or causes to be operated a sexually oriented business in any zoning district other than District 10 General Use, as defined and described in the Oneida County Zoning and Shorelands Protection Ordinance. Each day that the operation continues is ~~consider~~ considered a separate and distinct violation subject to civil forfeiture.
2. A person commits a violation of this ordinance if the person operates or causes to be operated a sexually oriented business within 500 feet of:
  - a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  - b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - c. A boundary of a single family residential district, multi-family residential district, rural residential district or residential retail district as defined in the Oneida County Zoning & Shoreland Protection Ordinance;
  - d. ~~An entertainment business which has a primary emphasis on children or family entertainment.~~

Each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.

3. A person commits a violation of this ordinance if that person causes or permits the ~~operation, establishment, substantial enlargement,~~ or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business. Each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
4. A person commits a violation of this ordinance if that person causes or permits the sale, use or consumption of alcoholic beverages on the premises of a

- sexually oriented business permitted under this ordinance. Each day the violation occurs is to be considered a separate violation subject to civil forfeiture.
5. A person commits a violation of this ordinance if that person causes or permits the ~~operation, establishment, or maintenance~~ of more than one sexually oriented business in the same building, structure, or portion thereof ~~or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.~~ Each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
  6. For the purpose of subsection 2 of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection 2. Presence of a county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
  7. For purposes of subsection 3 of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
  8. Any sexually oriented business lawfully operating on February 26, 2006, that is in violation of subsection 1 through 7 of this Section shall be deemed a legal pre-existing use. The legal pre-existing use will be permitted to continue ~~within the parameters of section 9.50 of the Oneida County Zoning and Shoreland Protection Ordinance~~ so long as the establishment of a new sexually oriented business does not occur on the premises or within the structure.
  9. A sexually oriented business lawfully operating with a permit issued under this ordinance section, is not in violation of this ordinance by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a use listed in subsection 2 of this Section within 500 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or been revoked.

**Subsection N & O to remain unchanged.**

**P. ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY.**

1. It shall be a violation of this ordinance for a person to knowingly ~~and~~ or intentionally, in a sexually oriented business, appear in a state of nudity. Each appearance is to be considered a separate and distinct violation subject to civil forfeiture.
2. It shall be a violation of this ordinance for a person to knowingly or intentionally in a sexually oriented business appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least five (5) feet from any patron or customer and on a stage at least two (2) feet from the floor. Each appearance or disregard of the distance requirements is to be considered a separate and distinct violation subject to civil forfeiture.
3. It shall be a violation of this ordinance for an employee, while semi-nude in a sexually oriented business, to directly solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business. Each solicitation is to be considered a separate and distinct violation subject to

civil forfeiture.

4. It shall be a violation of this ordinance for an employee, while semi-nude, to touch a customer or the clothing of a customer.

**Subsection Q & R to remain unchanged.**

**S. RESPONSIBILITIES OF THE PERMITTEE**

1. An act or omission by an employee constituting a violation of the provisions of this section shall be deemed the act or omission of the permittee if such act or omission occurs either with the authorization, knowledge or approval of the permittee or as the result of the permittee's negligent failure to supervise the employees conduct and the permittee shall be punishable for such act or omission in the same manner as if the permittee committed the act or caused the omission.
2. Any act or omission of an employee constituting the violation of the provisions of this Ordinance shall be deemed the act or omission of the permittee for the purposes of determining whether the permittee's license shall be revoked, suspended or renewed.

**S.T. EXCEPTIONS.**

The provisions of this ordinance do not apply to the following establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is intended for sexual interests or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this ordinance seeks only to minimize and prevent the secondary effects of sexually oriented businesses on the community. Negative secondary effects have not been associated with the establishments referenced in this section.

**T.U. INJUNCTION.**

A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of Section J of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of \$25.00 to \$250.00 for each violation. Each day a sexually oriented business so operates is a separate offense or violation.

**U.V. SEVERABILITY.**

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

**V.W. CONFLICTING ORDINANCES REPEALED.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**W.X. EFFECTIVE DATE.**

This ordinance shall be enforced from and after February 26, 2006.

Mr. Karl Jennrich, Zoning Director, stated that this ordinance was discussed at the Oneida County County Board meeting and the Oneida County Board requested that this ordinance be brought back to the Planning & Zoning Committee for some changes. Some of the changes were dramatic and others were more substantial. Mr. Jennrich briefly, for the record, stated the changes (deletions and additions). (EXHIBIT #4)

Mr. Jennrich read the following correspondence into the record:

1. June 22, 2006 from the Town of Three Lakes, Town Board, asking the zoning District for "Weasel's" be changed from Business to General Use and to adopt the Three Lakes Committee recommendation to grand-father this business presently and for all future use. Any attempt to include a current operating business under new ordinance will drastically affect the future operation of this business. The Town of Three Lakes and the Three Lakes Zoning Committee support Mr. DalPonte's effort to commencing his business now and in the future as is has been operating prior to the passage of the Oneida County Adult Oriented Business ordinance along with the previously expansion plans.

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Attorney Todd McEldowney explained to the committee that both he and Mr. DalPonte have been before the committee on several occasions and also appeared before the full County Board at the time this ordinance was passed. The reason for being at so many meetings was to be sure of three things.

1. That Don DalPonte's business would in fact be grand fathered
2. That Mr. DalPonte would have the ability to sell his grand fathered business as such
3. Whether or not there should be any kind of prohibition against the expansion of his legal pre-existing use business NOTE: Both Atty. McEldowney and Mr. DalPonte were assured that there would be no such prohibition.

Mr. McEldowney pointed out a part of the ordinance which defines establishment and he feels that this is significant because on January 26, 2006, Scott Holewinski made the motion because the initial drafts of the ordinance did in fact have a prohibition against expansion of more than 25% of the existing floor space. Mr. Holewinski made the motion and it was seconded and passed unanimously that that section, which is Section Sub. E under the definition of establishment would be stricken from the ordinance.

Mr. McEldowney went on to say that on March 1, 2006, both he and Mr. DalPonte met with the Planning and Zoning and on that same day there appeared a new proposed draft of amendments to the ordinance that once again had the prohibition against expansion of the existing floor space of non-conforming uses. And again Mr. McEldowney and Mr. DalPonte received assurances that there would be no such prohibition against expansion. And again, another proposed amendment ordinance was received and again there was a prohibition against expansion although at least on this particular occasion the expansion was raised from 25% to 100% of the existing floor space.

Mr. McEldowney briefly updated the Planning & Zoning members of some issues surrounding Mr. DalPonte's objection to the prohibition against expansion. "Back in 1999, Mr. DalPonte did receive a permit to increase the amount of floor space of his business. (Approximately a 60' x 80' expansion of the existing business) That was approved in 1999 and the committee, told Mr. DalPonte at that time, that in order to



accommodate expansion of that kind of size he would have to redo his septic system. In anticipation of adding on the expansion, Mr. DalPonte put in over \$30,000.00 in a new septic system to be able to accommodate that increase structure that he was going to add on to his building. Unfortunately, is was at that point in time, that Mr. DalPonte had cancer and because of that he was not able to do the expansion in 1999 into 2000 and the permit expired. And now because of the newest provision, Mr. DalPonte cannot expand.

The expansion that Mr. DalPonte would like to add is an expansion area for more pool tables and pool playing, expansion area for increasing the stage area, which would easily accommodate bands, expansion of the dance area and also increasing the size of the bathrooms.

What this 100% prohibition does for increasing the existing floor space is that it allows Mr. DalPonte to take care of any code requirements for handicapped access to bathrooms and things of that nature but it does not allow him to accomplish what his true goal is and that is to increase the area for the pool tables, for the stage and for dancing ability. This is why both Mr. McEldowney and Mr. DalPonte ask that the Planning & Zoning Committee eliminate Section 11 (E), which further defines establishment to include or to limit to more then 100% the existing floor space, as it existed on February 26 of 2006. At the March 2006 meeting, not only were all of the committee members unanimously in favor of eliminating that particular provision, but there was also the suggestion that was made my Karl Jennrich and others that maybe what Mr. DalPonte and Atty. McEldowney could do is work out something out as far as the zoning in the Town of Three Lakes to try to help Mr. DalPonte out. This is the reason why Mr. DalPonte approached the Town of Three Lakes where the Three Lakes Town Board has agreed that they would be willing to adopt a recommendation that Mr. DalPonte's business would be grandfathered and that it would be rezoned from Business to General Use. Also recommended by the Town of Three Lakes is that Mr. DalPonte be allowed to go forward with his previously approved expansion plans, which would be more then the 100% which was previously set forth under the establishment provision of the proposed amended order."

Therefore, what both Mr. McEldowney and Mr. DalPonte propose is that Section 11 (E) be eliminated, Mr. DalPonte's business would be the only business affected by this particular provision and everyone seems to be in favor of there being no prohibition against the expansion and this is why Mr. McEldowney asked that it be eliminated.

Mr. Brian Desmond, Corporation Counsel Assistant, "The State of Wisconsin statutes believe that they limit the ability of a non-conforming use or structure to expand only 50% under 59.69 Sub.10 under the Wisconsin Statutes." "I think that the 100% that is in the ordinance right now is above and beyond what is allowed by statute." "Mr. DalPonte is not prohibited from expanding." "There will be a regularity marker placed in the ordinance that will set a spot where Mr. DalPonte can no longer expand beyond that point, but there is by no means a prohibition." "Mr. DalPonte would have to stay within the regularity marker." "Now, it should be noted that all other non-conforming businesses here, or legal pre-existing businesses here in Oneida County are regulated by Section 9.50 of the ordinances, which allows them no expansion." "I think given the special first amendment issues that surround those types of businesses like Mr. DalPonte's, have and now we have seen how those issues can come up especially with the Syring law

suit.” “We have given these types of businesses in our sexually oriented business ordinance some special provisions allowing them to expand regardless of the language that is currently set out in 9.50 of the ordinances.” “I think that if we eliminate the section that Mr. McEldowney and his client have suggested, I think that we run a real risk of being sued by some of the other businesses in Oneida County that are currently non-conforming uses or have non-conforming structures on the basis that we are granting a huge exception in advantage to the two adult businesses that we do have here in Oneida County.” “I think that we are in a much better and more legally defensively position if we regulate these types of businesses in some manner as opposed to just allowing them to have free rein to do any type of expansion or changes that they want to while these other non-conforming uses that have been previously said as such in the county don’t have that option or do not have that ability.” “I think that there are definitely constitutional issues that would arise from that not treating all these non-conforming uses in the same manner.” “And I think that Mr. DalPonte had previous expansion plans at his property and we all discussed these before and I understand that Mr. DalPonte has the septic in place at this time and I understand the tough situation that he went through and why that expansion did not go through at that time.” “But we had the initial public hearing on this ordinance at the September 21<sup>st</sup>, 2005 Planning & Zoning Committee meeting.” “At that time there still was no sexually oriented business ordinance on the books, there was nothing that regulated his ability to expand or not expand or sell his property or anything of that nature at that point in time.” “It wasn’t until approximately six months later that this ordinance was enacted at the February 21, 2006 County Board meeting, therefore there was still a large amount of time that Mr. DalPonte could have come into the Planning & Zoning Department and applied for an expansion of his business and based on the way the ordinance read at that point in time, without these restrictions in there, he could have had pretty much “car blanc” to do whatever he wanted as long as it was in the perimeters of the building codes and other ordinances in Oneida County.” “I think that that is a long time and then if he had these expansion plans in mind at that point in time, it would have been something that he definitely could have done (expansion) and there would not have been any restriction on what he was doing at that point in time.”

Mr. Scott Holewinski, “His expansion on the building, the adult portion of it, how many square feet is there right now?”

Mr. Jennrich, “It’s footprint.”

Atty. McEldowney, “Thirty-two hundred and fifty square feet.”

Mr. Jennrich, “This is 100% of the existing floor space. I was not going to separate out what is adult and what is not.” “The other issue is that if we get Weasel’s rezoned to General Use, he now becomes a conforming use within that use district.” “Therefore, all this ordinance means to Mr. DalPonte is that he could expand above 25%, 50%, 100% and Mr. DalPonte would have to come in for an adult establishment for sexually oriented business permit.” “He would be a conforming use within that district and this is a permit which does not go through the Planning & Zoning Committee, it doesn’t go through the Town of Three Lakes, it just comes through the Zoning Director’s office.

Atty. McEldowney, “If Mr. Dalponte rezones, as I understand it, then he follows under the perimeters of the ordinance, is that right?’

Mr. Jennrich, "You would become a conforming use within a district and if I understand this ordinance correctly, you would come in for a building permit and you don't become defined as an establishment until the time you expand above whatever percentage is set, whether it be the 25%, 50% or 100%." "Once you go above that percentage, now you are regulated under the ordinance, which means that you have to come in to the Planning and Zoning Department to get a permit."

Atty. McEldowney, "Then you are covered under the ordinance and you no longer lose the advantage of that legal pre-existing use label, is that right?"

Mr. Jennrich, "No."

Mr. Brian Desmond, "You would be conforming under the ordinance."

Mr. Holewinski, "Yes, and if you go over a certain amount of square footage you have to apply for a Conditional Use."

Chair Metropulos, "Which you actually lose is the term 'legal pre-existing'." "You become conforming by requesting the General Use rezoning."

Atty. McEldowney, "One hundred percent doesn't do much for Mr. DalPonte, if he wants to put up the 60' x 80'." "That's 150% basically of what the existing floor space would be."

Mr. Holewinski, "He could apply for that under the conditional use in a General use district, correct?"

Mr. Desmond, "It is a sexually oriented business permit which is a separate permit as opposed to a conditional use or ARP."

Mr. Frank Greb, "Why can't we grand father him in?" "As a member of the County Board, we agreed to give him all the advantages and ability that he had before."

Mr. Jennrich, "The only way that we can grand father Mr. DalPonte's business is to throw out Section 9.55 ordinance."

Atty. McEldowney, "We are not asking that the ordinance be thrown out, all that we are asking is that Mr. DalPonte be allowed to expand and to continue his business the way he has."

Mr. Holewinski, "I do not think that we can grant him that based on the law, we can grant him so that his business can stay there and never be bothered, but the expansion is where the problem is."

Atty. McEldowney, "Now if Mr. DalPonte wants to expand, there must be a reason why the expansion should be prohibited or precluded." "We are using a figure, we are using one hundred percent of the existing space." "What I can tell you is the law says that a mere increase in the volume or the intensity or the frequency of the use of the business is not enough to invalidate enlargement." "And the only way that you can restrict

enlargement or expansion is if there is going to be some kind of appreciable change in the use that had been made of that business.” “Some kind of identifiable or substance of change in the use.” “He is not contemplating any different use as a result of his expansion” “All that Mr. DalPonte is doing is making his building larger so that it can accommodate more dancers (dancers to a band), a larger stage, larger pool area and better bathrooms.” “I don’t think we want to get into litigation or lawsuits, that is why we have been involved now for the last 6,7, 8 months so that we can do something that will enable us to work together to accomplish what our mutual purpose is.” “If you say, we don’t need to go ahead and eliminate that all together, why don’t we make it 150%.” “It is in keeping with what Mr. DalPonte said before in his prior permits, it will allow him to do that, it will allow him to be grandfathered as a legal pre-existing use and he goes away happy and he goes with his business and everybody should be happy.”

The committee does not care how much Mr. DalPonte wants to expand, it just has to be done legally.

Mr. Greb, “Brian, what if we change that 25% to 100%?”

Mr. Desmond, “What happens then is that you are open to a legal challenge by someone who doesn’t believe that you are acting within State statutes when you made that provision in your ordinance and upon my research they would have a fairly strong argument.”

Corporation Counsel will contact the Oneida County’s Attorney Andrew Jones, to see if legally it makes any kind of appreciable difference if we would change under Establishments, Sub. E “the 100% expansion provision to 150% expansion.” (What provisions if changed to General Use)

Chair Metropulos asked if anyone wished to speak for or against Ordinance Amendment #08-2006.

Chair Metropulos asked a second time if anyone wished to speak for or against Ordinance Amendment #08-2006.

**4:17 P.M.** The public hearing was closed from any further public comment.

**MOTION: (Scott Holewinski/Frank Greb) to postpone any decisions and wait for legal opinion for questions brought up during the public hearing. Roll Call Vote: Scott Holewinski, “aye”, Frank Greb, “aye”, Larry Greschner, “aye” and Bob Metropulos, “aye”. 4 ayes, 1 absent (Ted Cushing). Motion carried.**

**Ordinance Amendment #09-2006** authored by the Planning & Zoning Committee and the Board of Adjustment to amend Section 9.83 Composition of Board of Adjustment/Jurisdiction to the Oneida County Zoning & Shoreland Protection Ordinance as follows:

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on June 20, 2006 and June 27, 2006, Tomahawk Leader, Vilas County News and the Lakeland Times the week of June 27, 2006. The Notice was posted on the Oneida County

Courthouse Bulletin Board on June 16, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

9.83 COMPOSITION OF BOARD OF ADJUSTMENT / JURISDICTION

- A. Pursuant to sec. 59.694(2)(a), Wis. Stats., the Board of Adjustment shall have five regular and two alternate members, none of whom shall be a member of the Committee. Appointment and voting by members shall be as prescribed in Chapter 17, Oneida County Code. ~~consist of five persons, none of whom shall be a member of the Committee.~~

**Remainder of section to remain unchanged. (EXHIBIT #5)**

Mr. Jennrich stated that there was no correspondence in the file.

Chair Metropulos asked if anyone wished to speak for or against Ordinance Amendment #09-2006.

Chair Metropulos asked a second time if anyone wished to speak for or against Ordinance Amendment #09-2006.

**4:22 P.M.** The public hearing was closed from any further public comment.

**MOTION: (Larry Greschner/Scott Holewinski) to approve Ordinance Amendment #09-2006, Item #8 on today's agenda. 4 ayes, 1 absent. Motion carried.**

Adjourn

**4:23 P.M.** There being no further matters to lawfully come before the Committee; a motion was made by Larry Greschner second by Scott Holewinski to adjourn the meeting. All ayes on voice vote.

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Chairman Bob Metropulos

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Karl Jennrich, Zoning Director